

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

GALE HAYES, Register No. 16896,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-4131-CV-C-SOW
	)	
LT. WALLING,	)	
	)	
Defendant.	)	

**ORDER**

On January 31, 2006, the United States Magistrate Judge recommended that defendant Walling's motion for summary judgment be granted and plaintiff's claims be dismissed. The Magistrate Judge further recommended that plaintiff's motions for injunctive relief, for a transfer and for leave to file supplemental complaints be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's January 31, 2006, Report and Recommendation is adopted [45]. It is further

ORDERED that plaintiff's motions for injunctive relief, for a transfer and for leave to file supplemental complaints are denied [35, 37, 38, 39]. It is further

ORDERED that defendant Walling's motion for summary judgment is granted and plaintiff's claims are dismissed [34].

/s/Scott O. Wright

SCOTT O. WRIGHT

Senior United States District Judge

Dated: 3-3-06